



Andrew Perrong <a@perronglaw.com>

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**Case No. 1:23-cv-00504-RP; Ananda Camargo Chavez v. Rebuilt Brokerage LLC d/b/a Rebuilt Realty et al. ; United States District Court for the Western District of Texas**

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Andrew Perrong <a@perronglaw.com>

Thu, Aug 15, 2024 at 10:46 AM

To: Tiffany Wallace <twallace@mgl.law>

Cc: Jacob Bach <jbach@mgl.law>, Xerxes Martin <martin@mgl.law>

Gentlemen:

We write to seek an immediate meet and confer regarding these responses.

We note that you have only produced 4 months of data, and data, including classwide data is continuously being deleted.

So we need to establish policies and procedures to prevent the continuous destruction of class data, which seems to be continuously spoliated as we speak. We need production of all class data now.

That is obviously the most pressing issue, including ascertaining whether ESI can be recovered in any meaningful way, including via third party discovery to ClickSend's telephone provider. This would obviously require production of any telephone numbers your client has used and the identity of the telephone providers used by ClickSend, in accord with interrogatory 9, as well as RFPs 6, 11 and 15.

Moreover, the production of a grand total of three (fuzzy and illegible) pages of documents in response to 16 requests for production is plainly deficient. At minimum, other complaints are plainly relevant, as well as contracts and other documents with Vendors like ClickSend, especially as it pertains to the continuous spoliation of class data.

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Jacob Bach <jbach@mgl.law>

Tue, Aug 20, 2024 at 12:05 PM

To: Xerxes Martin <xmartin@mgl.law>, Andrew Perrong <a@perronglaw.com>, Tiffany Wallace <twallace@mgl.law>, Anthony Paronich <anthony@paronichlaw.com>

We are available for a call to discuss. Let us know what time and date works for you.

They are unaware of any individuals who would be in your proposed class other than Plaintiff. The vendor they used only keeps the data for four months, pursuant to their understanding of the GDPR. We fully expect you will want to subpoena them regarding this information. The number belonging to your client has been ceased, so there is no further data to be had or lost on it.

You may have to zoom in on the PDFs (as they have been converted from another file type into a PDF) but the PDFs are legible. What part of them are "fuzzy and illegible"? If you want us to produce a version with a large font, that might be possible.

The contract with Clicksend is available on their website, as we stated in the discovery responses. - <https://www.clicksend.com/us/legal/> - there are no other contracts with ClickSend or any other text messaging vendor to produce. We are not going to produce a list of all complaints against Rebuilt, that is clearly overbroad and not relevant.

Jacob Bach

Senior Associate

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